

IV. REMARKS

Status of the Claims

Claims 1 and 4 are amended. Claim 3 is canceled. Claims 6-13 were previously cancelled. Claims 1, 2, 4, and 5 are presented for further consideration.

Summary of the Office Action

Claims 1-5 stand rejected under 35USC102(b) on the basis of the cited reference Stacy, U.S. Patent No. 5,957,645. The Examiner is respectfully requested to reconsider his rejection in view of the above amendments and the following remarks.

Discussion of the Cited Reference

The cited reference Stacy is described in the background of this application as an example of the prior art, in particular describing a fastener having a spirally configured recess. The Examiner relies on the reference Stacy to support the rejection based on anticipation.

The Examiner has characterized the disclosure of Stacy as follows:

"In its broadest sense Stacy substantially teaches:.....an interference surface constructed as a portion of said transition surface, said surface having a first radial distance from the longitudinal axis at a top portion thereof to a second radial distance from said longitudinal axis at a bottom portion thereof; and wherein said first radial distance is larger than said second radial distance"

As stated in the application and according to claim 1 as amended, the purpose of the interference surfaces, constructed in the recess of the fastener of this invention, is to generate a

frictional engagement of a driver with the fastener. In this way the driver sticks to the fastener to facilitate installation of the fastener. This feature is commonly called a "stick fit" in the art. It is technically an interference fit between the driver and the fastener. The transition surface of the cited reference is described at column 5, lines 26-28 according to the following.

"The recess also includes an inner transition wall 32 between the installation wall 24 of one wing 22 and the removal wall 26 of the next adjacent wing."

The walls of the recess are described as:

"substantially vertical or closely approximating a cylindrical surface parallel to the longitudinal axis of the screw"

There is no mention of an interference surface constructed to generate an interference fit anywhere in the cited reference Stacy, nor is there any attempt to provide a "stick fit" feature. Applicant submits that to provide a stick fit in conjunction with a spirally configured recess is not an easy task and accordingly, the invention described and claimed in this application represents a significant advance over the spiral recessed fastener of the prior art.

It is noted that the Examiner makes no attempt to reference a particular portion of the disclosure of the reference Stacy in support of the rejection, but instead seems to base his position on the following:

"Any surface that makes contact with a driver may be broadly construed as an "interference surface" or "interference fit", and thus the "transition surfaces" taught by Stacy cooperate to form

an "interference fit" with a driver configured to engage the recess."

Applicant submits that the term "interference fit" is a phrase of art that means more than the examiner perceives as the "broadest sense" of the disclosure of Stacy. An interference fit is known as a force fit used to generate a frictional engagement between two objects so that they are held in engagement. These words do not include two surfaces that may be merely engaged by movement of one against the other as is the case of the engagement of driver and fastener in prior art spiral fasteners. The engagement of the driver with the installation or removal walls of the recess of the fastener of Stacy is not an interference or force fit. Mere engagement does not qualify. The transitional surfaces of the reference Stacy do not teach the generation of an interference fit, stick fit or the like, between recess and driver.

The Issue of Anticipation

The Examiner is reminded that the anticipation analysis requires a positive answer to the question of whether the system of Stacy would infringe the claims of this application, if it were later.

All of the claims of this application are directed to a fastener with a recess that has:

"an interference surface constructed as a portion of each of said transition surfaces, said surface having a first radial distance from the longitudinal axis at a top portion thereof to a second radial distance from said longitudinal axis at a bottom portion thereof; and

wherein said first radial distance is larger than said second radial distance and wherein said recess is formed having transition surfaces diametrically opposed across said recess and said interference surfaces on said opposing transition surfaces

cooperate to form an interference fit with a driver constructed to engage said recess."

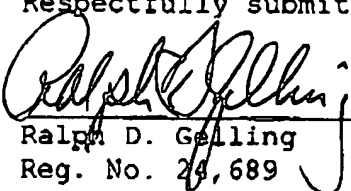
Since the fastener recess of the cited reference does not have interference surfaces that are generate an interference fit, there can be no infringement of the subject claims. Therefore the teaching of Stacy does not support the rejection based on anticipation with respect to any of the claims.

These arguments apply equally to the rejected dependent claims.

For all of the above reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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